

**REGULAR MEETING OF CASS COUNTY BOARD OF COMMISSIONERS
NOVEMBER 21, 2011**

1. MEETING CALLED TO ORDER

Vice Chairman Scott Wagner called the meeting to order at 3:30 PM with all members present as follows: Scott Wagner, Vern Bennett, Ken Pawluk, and Robyn Sorum. Darrell Vanyo was present via conference call.

2. PLEDGE OF ALLEGIANCE

Michael Montplaisir led the Pledge of Allegiance.

3. MINUTES APPROVED

MOTION, passed

Mr. Bennett moved and Mrs. Sorum seconded that the minutes of the previous meeting be approved as written. Motion carried.

4. AGENDA, Order approved

MOTION, passed

Mrs. Sorum moved and Mr. Bennett seconded to approve the order of the agenda with the addition of county deeds for tax-forfeited properties, a resolution of condolence and a purchase order to the consent agenda; and a contract for the Highway Department storage building to the regular agenda. Motion carried.

5. CONSENT AGENDA APPROVED

MOTION, passed

Mr. Vanyo moved and Mr. Pawluk seconded to approve the consent agenda as follows: On roll call vote, the motion carried unanimously.

- a. Receive monthly financial statement from the Auditor's Office for the month ended October 31, 2011.
- b. Approve omitted assessments according to notices sent to the property owners by the county auditor.
- c. Authorize the chairman and county auditor to sign quit claim deeds for tax-forfeited properties in the Cities of Fargo and West Fargo, and Clifton Township redeemed by the former owners.
- d. Approve a raffle permit for St. Peter Lutheran Church to be held on December 18, 2011, at St. Peter Lutheran Church in Leonard, North Dakota.
- e. Contract approval
 - Public defender contracts for 2012;
 - North Dakota Department of Human Services—protective services agreement for vulnerable adults.
- f. Authorize the chairman and county auditor to sign county deeds for tax-forfeited properties sold at the annual tax sale.

- g. Accept offer from the Cities of Fargo and Leonard to purchase unsold properties from the annual tax sale, and authorize the chairman and the county auditor to sign county deeds.
- h. Adopt a resolution of condolence for the family of Senator Tom Fischer as follows:

**RESOLUTION OF CONDOLENCE
#2011-13**

WHEREAS, the Board of Cass County Commissioners has learned of the untimely death of Senator Tom Fischer, Fargo, North Dakota, on November 16, 2011; and

WHEREAS, Tom Fischer served as a State Senator for District 46, representing Cass County at the state legislature for 15 years;

WHEREAS, Tom Fischer served on the Southeast Cass Water Resource District for 16 years, and was passionate about water issues involving both the county and the state;

WHEREAS, Tom Fischer served at the local level on the Stanley Township Board for seven years;

WHEREAS, Tom Fischer dedicated much of his life to public service and represented the citizens of Cass County and the State of North Dakota with honor and dignity;

THEREFORE, BE IT RESOLVED, That the Board of Commissioners of Cass County, North Dakota, does hereby express its heartfelt condolences to the family of Tom Fischer;

BE IT FURTHER RESOLVED That this resolution will be inscribed upon the permanent records of the proceedings of the Board of County Commissioners and a copy forwarded to his family.

Dated at Fargo, North Dakota, this 21st day of November, 2011.

- i. Approve a purchase order not to exceed \$5,000 with Houston Engineering Inc. for re-delineating a portion of the Preliminary Flood Maps with the most recent flood elevation information.

6. DE-ANNEXATION PETITIONS, Received from group of Cass County residents

Greg Hanson, resident of Pleasant Township, presented petitions to de-annex from Cass County to Richland County. The area is bounded on the west by I-29, north by Highway 18, east by the Red River and south by the Richland/Cass County line. Mr. Hanson said 100% of the qualified electors from the area have signed the petitions.

MOTION, passed

Mr. Vanyo moved and Mrs. Sorum seconded to receive de-annexation petitions and refer them to the county auditor and state's attorney for review and schedule the item on the December 5th commission agenda for action by the board. Motion carried.

Mr. Hanson presented the petitions to State's Attorney Birch Burdick, who will review them and forward the documents to the County Auditor. The commission will consider action on the petitions at their meeting on December 5, 2011.

7. WILD RICE RIVER ESTATES BANK STABILIZATION PROJECT, County to participate

Perry Ronning, Stanley Township Supervisor, was present to discuss a request for the county to contribute \$25,000 toward a bank stabilization project in Wild Rice River Estates Subdivision. The sewer and water lines are located in the easement between the road and the river, and bank erosion has occurred, which may result in the sewer line breaking. The estimated cost of the project including engineering, legal and administrative expenses ranges from \$300,000 to \$350,000. The State Water Commission has committed to fund costs up to \$149,000, and Stanley Township has also provided dollars toward the project. The remainder of the costs will be administered by the Southeast Cass Water Resource District through a special assessment district and will be divided among 10 property owners. Mr. Ronning said this project will provide a long-term solution for this issue.

Mr. Pawluk agrees something needs to be done to repair the problem. He is concerned that a precedent may be set by approving the request and said criteria may need to be developed by the county to address similar requests in the future.

Jonathan Garaas, Attorney for Stanley Township, was present. He said Southeast Cass Water Resource District owns the sewer line and the City of Fargo maintains the sewer line. He said the project will eliminate problems for a number of governmental entities, including the county.

Mr. Vanyo asked about the cost to homeowners. Dean Hornbacher, resident of the subdivision, was present. He said the cost per resident may range from \$10,000 to \$15,000 in special assessments.

Mr. Vanyo asked where the funds would come from if the county approves the request. Jason Benson, County Engineer, and Keith Berndt, County Administrator, both said the dollars would come from highway maintenance funds. Mr. Vanyo said he understands the concern of setting a precedent; however, the homeowners are being asked to contribute a substantial amount toward the repair, and other serious issues may arise if the project is not completed.

MOTION, passed

Mr. Vanyo moved and Mr. Bennett seconded to grant approval of \$25,000 for construction costs for the Wild Rice River Estates slide repair/bank stabilization project in Stanley Township. Discussion: Mr. Pawluk believes county participation should be administered through the Southeast Cass Water Resource District. The board agreed that the process will be handled by the water district. Mr. Bennett said this request is different because of the potential health hazard if nothing is done. On roll call vote, the motion carried unanimously.

8. ROAD DEPARTMENT, Contract for new storage building approved

Jason Benson, County Engineer, was present to discuss the contract for a new storage building at the Cass County Highway Department. The commission approved construction of the building last month. He said bids were opened this morning with a total bid cost of \$2,305,000, which was based on low bidders for each contract item. The precast concrete option for the building was the lower bid compared to the masonry and brick option. He said precast is quicker to produce and could cut three to five weeks off the construction time. The anticipated project completion date is March 1, 2012.

MOTION, passed

Mr. Pawluk moved and Mr. Bennett seconded to approve a contract for the Highway Department storage building and authorize the chairman to sign the contract and contract bond upon receipt of the documents.

Discussion: There was a question about the estimated project cost.

Mr. Benson said the estimate was just over \$2 million. Mr. Berndt said the board allocated \$2.5 million toward the building project. On roll call vote, the motion carried with Mr. Pawluk, Mr. Bennett, Mr. Wagner and Mr. Vanyo voting "Yes"; Mrs. Sorum voting "No".

9. FLOOD DIVERSION, Reimburse Joint Water Resource District for study expenses

Michael Montplaisir, Cass County Auditor, said the county received a bill from the Cass County Joint Water Resource District for right of entry costs associated with the Fargo-Moorhead Feasibility Study. The City of Fargo and Cass County are each responsible for half of the costs. Mr. Montplaisir said after this payment, the county has approximately \$2.6 million in the sales tax fund.

MOTION, passed

Mr. Pawluk moved and Mrs. Sorum seconded to authorize a payment of \$38,531.67 to the Cass County Joint Water Resource District from Cass County sales tax proceeds for reimbursement of 50% of the right of entry costs associated with the Fargo-Moorhead Feasibility Study and with the City of Fargo paying the other 50% of the costs. On roll call vote, the motion carried unanimously.

10. VOUCHERS, Approved***MOTION, passed***

Mrs. Sorum moved and Mr. Pawluk seconded to approve Voucher No. 258,462 through Voucher No. 258,868. On roll call vote, the motion carried unanimously.

11. SOCIAL SERVICES AWARD; MEETING UPDATES, Committee reports

Mr. Pawluk said Cass County Social Services received a \$90,000 award from the Federal government for accuracy in processing claims, which will be discussed at the next Social Service meeting.

Mr. Vanyo attended a meeting of the MnDak Upstream Coalition last week in Christine regarding the diversion project. Also, he said a presentation on the diversion will be given by Rodger Olson, Chairman of the Public Outreach Committee of the Flood Diversion Board of Authority, at the Township Officers' Association meeting on November 29th.

12. CORRESPONDENCE, Received and filed

MOTION, passed

Mrs. Sorum moved and Mr. Pawluk seconded to receive and file correspondence outlined by the secretary as follows: Motion carried.

- Notice of annual fall meeting of the Township Officers' Association to be held Tuesday, November 29, 2011, at 7:30 PM in the Embassy Room at the Governor's Inn in Casselton, North Dakota;
- Letter and resolution from the City of Grandin regarding the proposed Fargo-Moorhead Flood Diversion project.

13. ADJOURNMENT

MOTION, passed

On motion by Mrs. Sorum, seconded by Mr. Vanyo and all in favor, the meeting was adjourned at 4:20 PM.

ATTEST:

APPROVED:

Michael Montplaisir – Auditor
Cass County, North Dakota

Scott Wagner, Vice Chairman
Cass County Board of Commissioners